

Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, Illinois 60532, and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings.

This Order was consented to:

For the Licensee, William G. Kimbley, and Joan Kimbley

By: William G. Kimbley,

Dated: June 2, 1995.

By: Joan Kimbley.

Dated: June 2, 1995.

For the Nuclear Regulatory Commission.

Order Dated: June 12, 1995, Rockville, Maryland.

**James Lieberman,**

*Director, Office of Enforcement.*

[FR Doc. 95-14876 Filed 6-16-95; 8:45 am]

BILLING CODE 7590-01-M

## OFFICE OF MANAGEMENT AND BUDGET

### National Information Infrastructure; Draft Report on "NII Security: The Federal Role"

**AGENCY:** Office of Management and Budget.

**ACTION:** Notice of Availability and Request for Comments.

**SUMMARY:** The NII Security Issues Forum of the Information Infrastructure Task Force (IITF) has released for public comment a draft report, "NII Security: The Federal Role." Security in the National Information Infrastructure, or NII, consists of the confidentiality, integrity, reliability, and availability of information and communications services. This report is being released in order to develop a consensus of the appropriate Federal role in NII security through a public dialogue. Specifically, this report summarizes the Forum's findings concerning security needs in

the NII; presents an analysis of the institutional, legal, and technical issues surrounding security of the NII; and proposes Federal actions to address these issues.

**DATES:** Comments must be submitted no later than September 18, 1995.

**ADDRESSES:** Electronic copies of the report may be obtained through the IITF bulletin board at iitf.doc.gov through both the Internet and the World-Wide Web. Dial-up access by modem is also available at 202-482-1920. Modem communications parameters should be set at no parity, 8 data bits, and one stop (N, 8, 1). Hard copies of the report may be obtained by contacting the Information Policy and Technology Branch of the Office of Management and Budget at (202) 395-3785. Comments must be submitted to the Office of Management and Budget, NEOB 10236, Washington, DC 20503, to the attention of Virginia Huth, or to huth\_v@a1.eop.gov.

**FOR FURTHER INFORMATION CONTACT:** Virginia Huth, Office of Management and Budget, (202) 395-3785 or huth\_v@a1.eop.gov.

**SUPPLEMENTARY INFORMATION:** To articulate and implement the Administration's vision for the National Information Infrastructure (NII), the Vice President formed the Information Infrastructure Task Force (IITF), chaired by Secretary of Commerce Ron Brown. The NII Security Issues Forum was established within the IITF to address the important cross-cutting issue of security in the NII. In addition to the IITF, the President has established the U.S. Advisory Council on the National Information Infrastructure, which includes representatives from industry, labor, State and local governments, and public interest groups.

Security is critical to the development and operation of a viable National Information Infrastructure. Without the confidence that information will go where and when it is supposed to go, and nowhere else, the NII will not be used to support health, education, commerce, public services, and advanced communications to the fullest extent.

To better understand what will be needed to make the NII adequately secure, the NII Security Issues Forum and members of the U.S. Advisory Council on the NII held seven public meetings with government officials and members of the private and public interest sectors to discuss the security needs of the NII. In order to continue and expand this public dialogue, the draft report, "NII Security: The Federal Role," is being issued for public

comment. Although members of the U.S. Advisory Council cosponsored the meetings and numerous representatives from the private sector participated in the meetings, this draft report is solely the product of the NII Security Issues Forum, a Federal government organization.

**Sally Katzen,**

*Administrator, Office of Information and Regulatory Affairs.*

[FR Doc. 95-14900 Filed 6-16-95; 8:45 am]

BILLING CODE 3510-60-M

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-21129; 812-9562]

### First Trust Special Situations Trust, Series 69

June 12, 1995.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

**APPLICANT:** First Trust Special Situations Trust, Series 69.

**RELEVANT ACT SECTIONS:** Order requested under section 6(c) of the Act that would exempt applicant from section 12(d)(3) of the Act.

**SUMMARY OF APPLICATION:** Applicant requests an order on behalf of itself and certain subsequent series (collectively, the "Series") to permit each Series to invest up to twenty percent of its total assets in securities of issuers that derived more than fifteen percent of their gross revenues in their most recent fiscal year from securities related activities.

**FILING DATE:** The application was filed on March 31, 1995 and amended on June 8, 1995.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 7, 1995 and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549.

Applicant, c/o Nike Securities, L.P., 1001 Warrenville Road, Lisle, Illinois 60532.

**FOR FURTHER INFORMATION CONTACT:** Sarah A. Buescher, Staff Attorney, at (202) 942-0573, or Robert A. Robertson, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

### **Applicant's Representations**

1. Nike Securities, L.P. is applicant's depositor (the "Sponsor"). Each Series will invest approximately 20%, but in no event more than 20.5%,<sup>1</sup> of the value of its total assets in each of the five lowest dollar price per share stocks of the ten common stocks in the Dow Jones Industrial Average ("DJIA") having the highest dividend yields no more than two business days prior to the States' initial date of deposit, and hold those stocks for approximately one year.

2. The DJIA comprises 30 common stocks chosen by the editors of The Wall Street Journal. The DJIA is the property of Dow Jones & Company, Inc., which is not affiliated with any Series or the Sponsor and does not participate in any way in the creation of any Series or the selection of its stocks.

3. The securities deposited in each Series will be chosen solely according to the formula described above, and will not necessarily reflect the research opinions or buy or sell recommendations of the Sponsor. The Sponsor is authorized to determine the date of deposit, to purchase securities for deposit in the Series, and to supervise each Series' portfolio. The Sponsor will have no discretion as to which securities are purchased. Securities deposited in a Series may include securities of issuers that derived more than fifteen percent of their gross revenues in their most recent fiscal year from securities related activities.

4. During the 90-day period following the initial date of deposit, the Sponsor may deposit additional securities while maintaining to the extent practicable the

original proportionate relationship among the number of shares of each stock in the portfolio. Deposits made after this 90-day period must replicate exactly (subject to certain limited exceptions) the proportionate relationship among the face amounts of the securities comprising the portfolio at the end of the initial 90-day period, whether or not a stock continues to be among the five lowest price per share stocks of the ten highest dividend yielding stocks.

5. The Series' portfolios will not be actively managed. Sales of portfolio securities will be made in connection with redemptions of units issued by a Series and at termination of the Series. The Sponsor has no discretion as to when securities will be sold except that it is authorized to sell securities in extremely limited circumstances, such as a public tender, merger or acquisition affecting the security, a default in the payment of a declared dividend or other outstanding obligation, any action or proceeding restraining the payment of dividends, any legal question or impediment affecting the security, a breach by the issuer of a covenant which would affect the payment of a dividend, circumstances which would impair the investment character of the security, a decrease in the price of the security or other credit factors so that in the opinion of the Sponsor, the retention of the securities would be detrimental to the Series. The adverse financial condition of an issuer will not necessarily require the sale of its securities from a Series' portfolio.

### **Applicant's Legal Analysis**

1. Section 12(d)(3) of the Act, with limited exceptions, prohibits an investment company from acquiring any security issued by any person who is a broker, dealer, underwriter, or investment adviser. Rule 12d3-1 under the Act exempts the purchase of securities of an issuer that derived more than fifteen percent of its gross revenues in its most recent fiscal year from securities related activities, provided that, among other things, immediately after such acquisition, the acquiring company has invested not more than five percent of the value of its total assets in securities of the issuer. Notwithstanding the above, rule 12d3-1 prohibits any registered investment company from acquiring any security issued by the company's investment adviser, promoter, or principal underwriter or any affiliated person of such investment adviser, promoter, or principal underwriter that is a securities related business, with certain limited exceptions.

2. Applicant requests an exemption under section 6(c) from section 12(d)(3) to permit a Series to invest up to approximately 20%, but in no event more than 20.5%, of the value of its total assets in securities of an issuer that derives more than fifteen percent of its gross revenues from securities related activities.

3. Section 12(d)(3) was intended to prevent investment companies from exposing their assets to the entrepreneurial risks of securities related businesses, to prevent potential conflicts of interest, and to eliminate certain reciprocal practices between investment companies and securities related businesses. One potential conflict could occur if an investment company purchased securities or other interests in a broker-dealer to reward that broker-dealer for selling fund shares, rather than solely on investment merit. Applicant believes that this concern does not arise in connection with its application because neither applicant nor the Sponsor has discretion in choosing the portfolio securities or amount purchased. The security must first be included in the DJIA, which is unaffiliated with the Sponsor and applicant, and must also qualify as one of the five lowest dollar price per share stocks of the ten highest dividend yielding stocks.

4. Applicant also believes that the effect of a Series' purchase on the stock of parents of broker-dealers would be *de minimis*. Applicant asserts that the common stocks of securities related issuers represented in the DJIA are widely held, have active markets, and that potential purchases by any Series would represent an insignificant amount of the outstanding common stock and the trading volume of any of these issues. Accordingly, applicant believes that it is highly unlikely that purchases of these securities by a Series would have any significant impact on the securities' market value.

5. Another potential conflict of interest could occur if an investment company directed the brokerage to a broker-dealer in which the company has invested to enhance the broker-dealer's profitability or to assist it during financial difficulty, even though that broker-dealer may not offer the best price and execution. To preclude this type of conflict, applicant and each Series agree, as a condition of this application, that no company held in the portfolio of a Series nor any affiliate thereof will act as a broker for any Series in the purchase or sale of any security for its portfolio. In light of the above, applicant believes that its

<sup>1</sup> The Sponsor will attempt to purchase equal values of each of the five common stocks in a Series' portfolio. However, it is more efficient if securities are purchased in 100 share lots and 50 share lots. As a result, applicant may choose to purchase securities of a securities related issuer which represent over 20%, but in no event more than 20.5% percent, of a Series' assets on the initial date of deposit to the extent necessary to enable the Sponsor to meet its purchase requirements and to obtain the best price for the securities.

proposal meets the section 6(c) standards.

#### Condition

Applicant agrees that the requested exemptive order may be conditioned upon no company held in the Series' portfolio, nor any affiliate thereof, acting as broker for any Series in the purchase or sale of any security for the Series' portfolio.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95-14849 Filed 6-16-95; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. 95-23; Notice 2]

#### Decision That Nonconforming 1992 Kenworth T800 Trucks Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of decision by NHTSA that nonconforming 1992 Kenworth T800 trucks are eligible for importation.

**SUMMARY:** This notice announces the decision by NHTSA that 1992 Kenworth T800 trucks not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1992 Kenworth T800), and they are capable of being readily altered to conform to the standards.

**DATE:** This decision is effective June 19, 1995.

**FOR FURTHER INFORMATION CONTACT:** George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

#### SUPPLEMENTARY INFORMATION:

#### Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless

NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Ana, California (Registered Importer R-90-007) petitioned NHTSA to decide whether 1992 Kenworth T800 trucks are eligible for importation into the United States. NHTSA published notice of the petition on April 7, 1995 (60 FR 17846) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

#### Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP-115 is the vehicle eligibility number assigned to vehicles admissible under this decision.

#### Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1992 Kenworth T800 truck not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1992 Kenworth T800 truck originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and is capable of being readily altered to

conform to all applicable Federal motor vehicle safety standards.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 14, 1995.

**Marilynne Jacobs,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 95-14903 Filed 6-16-95; 8:45 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF THE TREASURY

### Customs Service

#### Implementation of Automated Export System

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Notice of Implementation of Phase I of the Automated Export System (AES).

**SUMMARY:** This notice announces that beginning on July 3, 1995, the U.S. Customs Service with the assistance of the Bureau of the Census will implement the first phase of AES and also announces to the public where the AES system will be implemented.

**BACKGROUND:** AES will ultimately provide a single electronic gateway at Customs through which the exporting community can report and receive all information required by U.S. government agencies involved with export administration. AES will create a "one-stop" environment for the trade community to file export information. It will substantially reduce paperwork and eliminate duplicate reporting requirements resulting in decreased respondent burden. AES will facilitate export trade, and improve customer service, trade statistics, and outbound enforcement.

Phase I of AES is for vessel shipments only and only for voluntary participants. Additional implementation phases of AES will be announced in future notices.

Phase I of AES will be implemented in the ports of Baltimore, Maryland; Norfolk, Virginia; Charleston, South Carolina; Houston, Texas (including Galveston and Texas City); and Los Angeles-Long Beach, California.

**SECTORS AFFECTED:** Parties that may volunteer to participate in Phase I of AES include; exporters, freight forwarders, carriers, customhouse brokers, port authorities, and service bureaus.

**RESPONSIBILITIES OF PARTICIPANTS:** Exporters, or their agents, will be responsible for providing primary